

ENTERED

April 28, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

UNITED STATES OF AMERICA

§

§

§

VS.

§ CRIMINAL ACTION NO. 5:10-CR-1403

§

ARGELIA CONTRERAS DE
VELASQUEZ

§

ORDER

United States Magistrate Judge Diana Song Quiroga issued a Report and Recommendation in accordance with 28 U.S.C. § 636(b)(3), which advises the Court to deny Petitioner's Writ of Error Coram Nobis because (1) Petitioner has failed to provide a sound reason for not seeking habeas relief while in custody or for waiting five years to file her coram-nobis petition after being released from custody, and (2) alternatively, laches bars Petitioner's claim (Dkt. No. 50). Petitioner filed objections to both findings (Dkt. No. 53).

The Court conducts a *de novo* review of Petitioner's objections and applies a plain-error standard of review for the rest of the proposed findings and recommendation. Having considered the entire record, the Court hereby **ADOPTS** the Report and Recommendation as the findings and opinion of the Court, **only** to the extent it recommends that Petitioner's claim be denied because she has failed to provide a sound reason for not seeking habeas relief while in custody or for waiting five years to file her coram-nobis petition after being released from custody.¹ As such, Petitioner's Writ for Coram Nobis (Dkt. No. 38) is **DENIED**.

It is so **ORDERED**.

SIGNED April 28, 2020.



Marina Garcia Marmolejo
United States District Judge

¹ Because the Court finds that Petitioner's request for coram nobis fails, it need not consider the Government's alternative argument that laches bars Petitioner's claim.